

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**KASEY D. ALVES**

**PLAINTIFF**

**VERSUS**

**CAUSE NO.: 1:06cv912 LG-JMR**

**HARRISON COUNTY MISSISSIPPI, BY AND  
THROUGH THE BOARD OF SUPERVISORS;  
HARRISON COUNTY SHERIFF'S DEPARTMENT; AND  
SHERIFF GEORGE PAYNE, JR.**

**DEFENDANT**

**RESPONSE**

**COMES NOW** the Plaintiff, Kasey D. Alves, and responds to the Motion for Summary Judgment filed by the Defendants, Harrison County Sheriff's Department and George H. Payne, Jr.

1. The allegations of Motion paragraph I are admitted.
2. The Second Amended Complaint is filed and the facts are set forth therein. Other than the facts set forth in the Second Amended Complaint, the Plaintiff denies any contrary allegations set forth in Motion paragraph II.
3. The allegations of Motion paragraph III are admitted.
4. The Second Amended Complaint against the Defendant, Payne, are made against the Sheriff in his official capacity. Any allegations in Motion paragraph IV that are contrary to this assertion are denied.
5. The Second Amended Complaint is filed and the facts are set forth therein. Any allegations in Motion paragraph V that are contrary to the facts set forth in the Second Amended Complaint are denied.
6. The allegations of Motion paragraph VI are admitted except to the extent that the

Defendant attempts to dismiss Harrison County, Mississippi or Sheriff George Payne, Jr.

7. The allegations of Motion paragraph VII are denied. Affirmatively, Plaintiff states that written policies are meaningless where a custom of abuse and torture exists at the Harrison County Adult Detention Center.
8. The Plaintiff has not alleged state law claims. The Plaintiff does not allege that the Mississippi Tort Claims act is applicable.
9. The allegations of Motion paragraph IX are denied.
10. The Plaintiff denies that the exhibits attached to Motion for Summary Judgment entitle the Defendant to summary judgment. The exhibits are evidence that a factual dispute exists between Plaintiff and the Defendants.
11. In responding to this Motion for Summary Judgment the Plaintiff relies upon the following exhibits:
  - (1) Plaintiff's Second Amended Complaint.
  - (2) Sheriff George Payne Jr., Answer to Second Amended Complaint.
  - (3) Harrison County Mississippi Answer to Second Amended Complaint.
  - (4) Ronald G. Lynch Rule 26 report.
  - (5) January 12, 1996, Consent and Judgment entered in the United States of America v. Harrison County, Mississippi, Civil Action No. 1:95-cv-5GR, United States District Court, Southern District of Mississippi, Southern Division.
  - (6) Municipal Court of the City of Biloxi entry of nolle prosequere versus Kasey Alves.
  - (7) Photographs of Kasey Alves's injuries.
  - (8) Douglas C. Lanier, Jr., MD., February 14, 2006, medical note.
  - (9) Douglas C. Lanier, Jr., MD, January 12, 2006, history and physical notes.

- (10) Joe A. Jackson, MD, March 14, 2006, report.
- (11) Medical records affidavit of Coastal Family Health Center.
- (12) Rhabdomyolysis signs and symptoms.
- (13) Excerpts of American Correctional Association report.
- (14) February 1, 2005, Seventh Supplemental Report of Steve J. Martin prepared for the U.S. Department of Justice.
- (15) April 17, 2008, correspondence from Joe Gewin.
- (16) Rupert Lacey trial testimony (U.S.A. v. Teel).
- (17) Biloxi Police Department Office Kitt Manning trial testimony (U.S.A. v. Teel).
- (18) Deposition testimony: Dorothy Blankenship.
- (19) William Priest trial testimony (U.S.A. v. Teel).
- (20) Deposition testimony: William Martin
- (21) Deposition testimony: Robert N. Eleuterius.
- (22) Deposition testimony: Gaye Hartley.
- (23) Timothy Brandon Moore trial testimony (U.S.A. v. Teel).
- (24) Morgan Thompson trial testimony (U.S.A. v. Teel).
- (25) Leo DeGeorge trial testimony (U.S.A. v. Teel).
- (26) Regina Rhodes trial testimony (U.S.A. v. Teel).
- (27) Kasey Alves trial testimony (U.S.A. v. Teel.).
- (28) Deposition testimony of Kasey Alves.
- (29) Plea agreement: Regina Lynn Rhodes.
- (32) Judgment: Regina Rhodes.
- (31) Plea agreement: Morgan Lee Thompson.

- (32) Judgment: Morgan Lee Thompson.
- (33) Plea agreement: Daniel Lamont Evans.
- (34) Judgment: Daniel Lamont Evans.
- (35) Plea agreement: Karl Walter Stolze.
- (36) Judgment: Karl Walter Stolze.
- (37) Plea agreement: Dedri Yulon Caldwell.
- (38) Judgment: Dedri Yulon Caldwell.
- (39) Plea agreement: Thomas Preston Wills.
- (40) Judgment: Thomas Preston Wills.
- (41) Plea agreement: William Jeffery Priest
- (42) Judgment: William Jeffery Priest.
- (43) Indictment: United States of America v. Ryan Michael Teel, et al., Criminal No. 1:06cr79 LG-JMR.
- (44) Harrison County Adult Detention Facility video of assault of Kasey Alves.  
(Defendant has previously filed same with the Court and Plaintiff relies upon that video.)
- (45) Deposition testimony: Connie Rocko.
- (46) Deposition testimony: Marlin Ladner.
- (47) Deposition testimony: Robert Eleuterius.
- (48) Deposition testimony: Larry Benefield.
- (49) Excerpts of HCSD General Order 10: Weapons and Use of Force.
- (50) Excerpts of HCSD General Order 44: Corrective Measures.
- (51) Excerpts HCSD Inmate Grievance Policy and Procedures Directive.

(52) General Order 65: Professional Standards Unit.

(53) Deposition excerpts: Steve Campbell.

(54) HCSD Use of Force reports.

(55) HCSD Inmate Grievances.

**AND NOW** having fully responded, the Plaintiff moves that the Defendant's Motion for Summary Judgment be denied.

**RESPECTFULLY SUBMITTED** this the 17<sup>th</sup> day of December, 2008.

KASEY D. ALVES

BY: /s/Woodrow W. Pringle, III  
WOODROW W. PRINGLE, III

**CERTIFICATE OF SERVICE**

I, WOODROW W. PRINGLE, III, certify that I have this date forwarded via the ECF system, a copy of the above and foregoing Response to Motion to the following:

Karen J. Young, Esq.  
Attorney at Law

Cy Faneca, Esq.  
Attorney at Law

**SO CERTIFIED** this the 17<sup>th</sup> day of December, 2008.

/s/Woodrow W. Pringle, III  
WOODROW W. PRINGLE, III

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